

March 12, 2024

VIA ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Nike, Inc. v. USAPE LLC (1:23-cv-00660-PGG)

Dear Judge Gardephe:

Nike, Inc. (“Nike”) and USAPE LLC (“BAPE”) (collectively, the “Parties”) submitted a Joint Letter and accompanying Proposed Case Management Plan on March 7, 2024. (ECF Nos. 36, 37). As discussed therein, the Parties agree on a Proposed Case Management Plan and Scheduling Order. (ECF No. 37). In view of the Parties’ agreement, Nike respectfully requests adjournment of the Pretrial Conference currently scheduled for March 14, 2024 at 11:00 a.m. (ECF No. 35).

Pursuant to Your Honor’s Individual Practices Section I.E, the Nike further provides the following information:

1. The Pretrial Conference is scheduled for March 14, 2024 at 11:00 a.m. (ECF No. 35);
2. Nike requests adjournment of the Pretrial Conference until after discovery in the above captioned-case is closed. *See* ECF No. 37 (jointly requesting that discovery in the case be closed no later than Friday, December 20, 2024);
3. Nike requests adjournment because the Parties are in agreement as to the Proposed Case Management Plan and Scheduling Order;
4. In view of the Parties’ agreement on the Proposed Case Management Plan and Scheduling Order, Nike circulated a joint request to adjourn the Pretrial Conference to BAPE on March 7, 2024. The same day, BAPE’s counsel indicated that they could not agree to an adjournment at that time because they needed to confer with their client. Nike followed up by email on March 11, 2024, and again by telephone on March 12, 2024. On March 12, 2024, BAPE’s counsel indicated that they are still awaiting sign-off from their client on this request.

In view of the foregoing, Nike respectfully requests that the Court adjourn the currently scheduled Pretrial Conference.

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Respectfully submitted,

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